

**URGENT LEGAL MATTER - PROMPT ATTENTION REQUIRED**  
**CERTIFIED MAIL - - RETURN RECEIPT REQUESTED**

November 5, 2010

Mr. Germain Bourdeau  
Pleasant Acre Farms, LLC  
194 County Road  
Swanton, VT 05488

Dear Mr. Bourdeau:

As we have discussed with you previously, the New England office of the United States Environmental Protection Agency ("EPA") has been investigating the discharge of dredged and fill material into wetlands on your property. The property in question is identified as Farm number 2439, Tract 153, and is located off of County Road, Swanton, in Vermont (the "Site"). You are also aware from our prior discussions that EPA has determined that you and/or Pleasant Acre Farms, LLC or persons acting under your and/or Pleasant Acre Farms, LLC's authority or control, discharged dredged and fill materials into approximately three (3.0) acres of wetlands (the "Affected Wetlands") at the Site without the required permit or other authorization under the Clean Water Act, 33 U.S.C. Sections 1251 et seq. The Affected Wetlands are waters of the United States, and the discharge activity was, and remains, in violation of the Clean Water Act.

EPA has made several attempts, without success, to obtain your voluntary cooperation in negotiating a compromise wetland restoration plan to restore the Affected Wetlands at the Site. Among other efforts, we held a face-to-face meeting in November of 2009 in which a mediator was employed. The Corps and the Natural Resources Conservation Service also attended that meeting. Because EPA has not succeeded in obtaining your voluntary cooperation to correct the violations, EPA has decided to issue the enclosed Findings of Violation and Order for Compliance ("Order"). The Order requires full restoration of the Affected Wetlands, and does not include compromise restoration options that were being considered earlier when your voluntary cooperation was sought. We are also mindful of your prior requests to discuss penalties EPA may seek for the violations identified in the Order, and of your related assertion that you

will not agree to correct the violations until you have some certainty as to a penalty amount. We will be in contact with you at some point in the future about penalties. For now, the enclosed Order addresses correction of the violation in question.

A permit from the United States Army Corps of Engineers ("Corps") is required under Section 404(a) of the Clean Water Act, 33 U.S.C. Section 1344(a), for the discharge of dredged or fill material into all waters of the United States, including most wetlands. The discharge of dredged and fill material into three acres of wetlands at the Site was not authorized by a Section 404 permit and thus was, and continues to be, in violation of Section 301(a) of the Act, 33 U.S.C. Section 1311(a). The EPA has authority under Sections 309(a), 309(b), 309(c), 309(d), and 309(g), 33 U.S.C. Sections 1319(a), (b), (c), (d), and (g), to pursue administrative and judicial enforcement actions for past and continued violations, including failure to comply with an Administrative Order, which would include the enclosed Order being issued to you.

The Order requires you to restore fully the 3.0 acres of Affected Wetlands and complete all actions according to the stated deadlines. The entirety of the restoration work must be completed by June 15, 2011. Specific actions required by the Order include, among others,: 1) retention of an experienced wetland scientist to, among other things, develop and submit to EPA and the Corps a wetland restoration plan by December 17, 2010; 2) probing for and disabling any drainage systems within the Site by May 7, 2011; 3) creating pit and mound topography at the Site and filling the excavated drainage ditch by May 15, 2011; 4) seeding and planting the Site with hydrophytic vegetation by June 15, 2011; and 5) a plan to monitor the success of the restoration for five years. The Order is not a permit, and does not relieve you and/or Pleasant Acre Farms, LLC of the obligation to comply with all applicable federal, state and local requirements.

Failure to comply fully with this Order would be a violation of Section 309 of the Clean Water Act, 33 U.S.C. Section 1319 and may subject you to civil penalties of up to \$37,500 per day of violation as well as injunctive relief to require compliance with the Clean Water Act.

Should you have any questions regarding this matter, please contact Denise Leonard of the Office of Environmental Stewardship at (617) 918-1719 or have your attorney contact Gregory Dain at (617) 918-1884.

Sincerely,

Susan Studlien, Director  
Office of Environmental Stewardship

Attachments:

- Order for Compliance
- Site Map, Swanton, VT
- EPA General Guidelines for Wetland Restoration and Creation Projects
- Section I.6 of the Corps of Engineers Compensatory Mitigation Guidance
- Section I.4(f) of the Corps of Engineers Compensatory Mitigation Guidance

Copies furnished:

- Denise Leonard, Wetlands Enforcement, EPA New England
- Ann Williams, EPA New England
- Greg Dain, EPA New England
- John Almeida, Corps of Engineers, 696 Virginia Rd, Concord, MA 01742-2751
- Martha Abair, Corps of Engineers, 8 Carmichael Street, Suite 205, Essex, VT 05452
- Matt Strassberg, VT Agricultural Mediation Program, Environmental Mediation Center, 177 Paddy Hill Road, Moretown, VT 05660
- Alan Quackenbush, VT DEC, Wetlands Section, 103 South Main Street, Bldg 10N, Waterbury, VT 05671-0408
- Swanton Town Hall, Swanton, VT 05488